IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7177 OF 2004

The Mohammedan Education Society ...Petitioner

Versus

Balkrishna Malhari Chawan & Ors. ...Respondents

.....

Ms. Madhavi Tavanandi, counsel for Petitioner

.....

CORAM: B. H. MARLAPALLE, J.

DATED: 17TH MARCH, 2005

P. C.:-

1. Heard Ms. Madhavi Tavnandi, the learned counsel for the petitioner.

2. By the impugned order passed by the IV Additional District Judge at Kolhapur, the application filed below Exh.26 in Regular Civil Appeal No. 481 of 1994 has been rejected. By the said application the plaintiff sought to amend the plaint so as to delete the names of original defendant Nos. 2 to 4 on the ground that on their demise, their L.Rs. would not be termed as tenants per se.

3. The lower appellate court has considered the arguments advanced and the averments made in the application below Exh.26. The view taken by the

lower appellate court and the reasoning thereof cannot be termed to be patently erroneous so as to call for any interference in this petition.

4. The petition is therefore, rejected summarily.

5. Certified copy is expedited.